99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-742

AUTHORIZING THE ESTABLISHMENT OF A PEACE GARDEN ON A SITE TO BE SELECTED BY THE SECRETARY OF THE INTERIOR

AUGUST 5, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

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REPORT

[To accompany H.R. 4467]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4467) to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike out all after the enacting clause and insert the following:

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Inc. (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Inc. may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) PROCEDURES.—The site selection, design and construction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) DOCUMENTATION.—The agreement under section 1 shall require that the Peace Garden Project, Inc. provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

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SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Inc. to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

Peace Garden Project, Inc. may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

PURPOSE

The purpose of H.R. 4467 [1] is to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

BACKGROUND

H.R. 4467 proposes to establish a Peace Garden in Washington, D.C. on a site selected by the Secretary of the Interior.

The Peace Garden is envisioned to be a garden embodying American cultural values and approaches, so that visitors to the garden would gain new insights into peace and our nation's commitment to it. The garden would be non-sectarian and non-ideological.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 4467 authorizes the Secretary of the Interior to enter into an agreement with the Peace Garden Project, Inc. to construct a Peace Garden on a site on Federal land in the District of Columbia. The site of the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

The Committee understands that the garden would be non-sectarian and non-ideological.

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[1] H.R. 4467 was introduced on March 20, 1986 by Representative George Miller for himself, and Mrs. Boxer, Mrs. Burton, Mr. Edwards, Mr. Brown of California, Mr. Dellums, and Mr. Stark.

Section 2(a) provides that the selection, design and construction of the Peace Garden shall comply with all procedures, rules, policies and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

Section 2(b) requires that the Peace Garden Project, Inc. provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. All documentation shall be permanently maintained.

The Committee notes that the personnel from the Peace Garden Project, Inc. have worked with the National Capital Memorial Advisory Committee and the National Park Service in proposing this legislation. The Committee intends that the Peace Garden be located on National Park lands located in the District of Columbia outside of the National Mall or West Potomac Park.

The documentation should include, but not be limited to, competition records, and all planning, design and construction documents.

Section 3 requires the Peace Garden Project, Inc. to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission.

The Committee understands that the Peace Garden Project, Inc. plans to hold a design competition for the Peace Garden. The Committee supports that approach. The Committee feels that any design should incorporate appropriate plant materials and consider long-term maintenance requirements and associated costs. The Committee also feels that the design should be such that the garden would not encroach on any existing commemorative work.

Section 4 prohibits construction of the Peace Garden from commencing until the full amount of funds estimated to be necessary for the completion of construction of the approved design is available from non-Federal sources, and that an additional amount equal to 10 percent of the estimated construction cost also has been made available to the Secretary of the Interior to provide for maintenance of the Peace Garden.

Section 5 directs the Secretary of the Interior to maintain the Peace Garden upon its completion. The Secretary may retain and use for such purpose the monies made available under paragraph 2 of section 4.

Section 6 prohibits the United States from paying any expense for the establishment of the garden, except that technical advice may be provided by the Secretary as he deems necessary.

Section 7 provides that the authority to establish the Peace Garden shall expire at the end of a five year period beginning on the date of the enactment of this Act, unless construction of the Peace Garden begins during this period.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

Hearings were held by the Subcommittee on National Parks and Recreation on H.R. 4467 on June 12, 1986. The bill was recommended to the Committee on Interior and Insular Affairs, with an amendment in the nature of a substitute on July 17, 1986. The

Committee approved H.R. 4467, as amended, by voice vote on July 30, 1986.

INFLATIONARY IMPACT STATEMENT AND BUDGET ACT COMPLIANCE

No additional federal funding is required by this bill and the Committee believes no inflationary impact will result from the enactment of this legislation. The analysis of the Congressional Budget Office, which the Committee adopts as its own, follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4467, a bill to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, as ordered reported by the House Committee on Interior and Insular Affairs on July 30, 1986. Based on information obtained from the National Park Service, we estimate that enactment of this bill would result in no cost to the federal government and would not affect the budgets of state or local governments.

H.R. 4467 would authorize the Secretary of the Interior to enter into an agreement with the Peace Garden Project, Inc. (PGP), pursuant to which PGP would be permitted to construct a "Peace Garden" on federal land in the District of Columbia. The garden site would be selected by the Secretary, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission. The garden would be planned by PGP, subject to the approval of the Secretary, the Commission of Fine Arts and the National Capital Planning Commission. It would be financed by PGP through private contributions. Before beginning construction, PGP would be required to demonstrate that the full amount of funds estimated to be necessary for completion of construction is available. In addition, PGP would have to make available to the Secretary an additional amount equal to 10 percent of the estimated construction cost to provide for maintenance of the garden, which would be performed by the Park Service. We therefore expect the full cost of establishing and maintaining the Peace Garden to be borne by the PGP, with no significant cost to the government.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

DEPARTMENT REPORT

The report of the Department of the Interior dated July 8, 1986 follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 8, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 4467, a bill "To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior."

We recommend the enactment of H.R. 4467.

This bill would provide authority for the Peace Garden Project, a private non-profit organization headquartered in California, to establish a garden on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site of the garden would be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission. The Secretary, the Commission of Fine Arts, and the National Capital Planning Commission would also approve the design for the Peace Garden. Construction could not commence until the Secretary determines that sufficient funds are available. The bill provides that authority to establish the Peace Garden shall expire in five years unless construction begins before that time. Although no Federal funds may be expended for the establishment of the Peace Garden, the bill provides that the Secretary of the Interior shall be responsible for its maintenance after it is completed.

On May 22, the Secretary of the Interior's National Capital Memorial Advisory Committee met to consider pending proposals to authorize the establishment of additional memorials on park lands in the Nation's Capital. The Committee considered H.R. 4467, and recommended that the Department of the Interior support the bill. The Committee was delighted that the bill followed the provisions of H.R. 4378, the general bill passed by the House of Representatives on May 5, which would provide standards for placement of commemorative works on park lands in the District of Columbia. H.R. 4378, as passed, would provide for site and design approval by the Commission of Fine Arts and the National Capital Planning Commission and for approval of the design by the Secretary. Furthermore, H.R. 4378 would require the Secretary to determine that funds are available to pay for the cost of construction before construction begins and would provide a five-year expiration on the authority to construct the commemorative work.

We particularly support the concept of a commemorative work in the form of a landscaped garden, as proposed in H.R. 4467. The criteria established in the general legislation passed by the House included one which stated that a commemorative work shall protect open space in a manner compatible with existing public use. We believe such a landscaped garden fully meets that criterion and should be encouraged.

There are two elements of the general bill just passed by the House that are not covered in the H.R. 4467 Peace Garden proposal. First, the general measure would require that no commemorative work may be located at a site in area I (the monumental core of the Capital) unless the Congress finds that the subject of the commemorative work is of such major historical and lasting significance to the Nation as a whole that placement of the commemorative work in any other site would be inappropriate. H.R. 4467 does not make such a finding. Second, the general measure requires that there be available before construction not only the full amount of funds necessary to pay the cost of construction, but also 10 percent of the estimated cost of construction, which must be paid to the Secretary for deposit in the Treasury in order to offset the costs of perpetual maintenance. H.R. 4467 would require only that the Secretary determine before construction begins that sufficient funds for construction are available. It would not require that 10 percent of the construction cost be deposited to offset maintenance costs. We suggest that such a requirement be added to the bill, in order to be consistent with the general measure.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Assistant Secretary.

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